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Chair:
The Honourable DANIEL LANG

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Eighth and ninth meetings:

Study and report on security threats facing Canada
and

First meeting:

Bill C-27, An Act to amend the Public
Service Employment Act (enhancing hiring
opportunities for certain serving and former
members of the Canadian Forces)

Deuxième session de la
quarante et unième législature, 2013-2014-2015

*Délibérations du Comité
sénatorial permanent de la*

SÉCURITÉ NATIONALE ET DE LA DÉFENSE

Président :
L'honorable DANIEL LANG

Le lundi 16 février 2015

Fascicule n° 13

Huitième et neuvième réunions :

Étude sur les menaces à la sécurité nationale
et

Première réunion :

Projet de loi C-27, Loi modifiant la
Loi sur l'emploi dans la fonction publique
(accès élargi à l'embauche pour certains militaires
et anciens militaires des Forces canadiennes)

Opening Statements from Dave Hayer to the Senate Committee.

Mr. Hayer: Thank you very much for giving me the opportunity and inviting me to speak and address this Senate committee on this important issue.

I agree with almost all the statements made by Justice John Major and Ujjal Dosanjh before me, and I listened to their testimony before this.

In preparation for my appearance today, I have spoken with many of the victims' families who have suffered the devastating impact of terrorism in Canada first-hand as a result of the June 23, 1985, Air India bombing: Bal Gupta, a Toronto engineer, lost his wife, Ramwati. Perviz Madon lost her husband, Sam, who was the father of their two children. Mandip Grewal lost his father, Daljit Grewal. Major Sidhu lost his sister Sukhwinder, her son Kuldip, and her daughter Parminder. Preeti Dhaliwal lost her aunt, nephew and niece. Surjit Kalsi lost his cousin. Jassa Grewal lost his friends.

I also spoke with Justice Major, the commissioner of the Air India inquiry, before coming over here today.

The Air India tragedy was a result of a terrorist conspiracy conceived and executed on Canadian soil by criminals who used Canada as way to solve their issues with India.

The terrorist bombings, including the Narita International Airport bombing, killed a total of 331 innocent people. Most of the victims were Canadian citizens, 286 of them. Others came from India, the U.S.A. and the U.K. Eighty-six victims were children under the age of 12. Twenty-nine families, husbands, wives and all children, were all killed. Thirty-two relatives lost their spouses and all their children; seven parents lost all their children. And two 10-year-old children lost their mom and dad.

The pain felt by these families has not diminished over the last 30 years. If anything, there is a sense of frustration that the main suspects behind this act of terrorism have never been brought to justice.

Only one man, Inderjit Singh Reyat, was ever convicted. He is currently serving a perjury sentence for lying at the Air India bombing trial of the two co-accused who were later acquitted. The failure and mistakes made by the various police departments and the lack of communication between those groups severely compromised the case. Due to those failures, society is now left with terrorists who roam freely on the streets with the ability to further intimidate the public.

While the current focus in Canada is on Islamist terrorists, it is often forgotten that Canada's deadliest act of terrorism was the Air India bombing that killed 331 innocent people. Journalists like Kim Bolan of the *Vancouver Sun* and Terry Milewski of the CBC have also received death threats simply for doing their job and investigating the biggest crime in Canadian history. Often they are sued just to shut them down so they don't report on the stories.

My late journalist father, Tara Singh Hayer, exposed those behind the Air India bombing in his *Indo-Canadian Times* Punjabi weekly newspaper. He was shot and paralyzed in 1988 and assassinated in 1998 before he could testify at the Air India trial. No one has been charged for his murder, much to the frustration of our family.

My father regularly condemned the violence of Babbar Khalsa, the International Sikh Youth Federation, and other militant groups operating in Canada and India. He exposed those involved with the Air India bombing. For his work, he was routinely threatened in person, on unlicensed Punjabi radio stations, in newspapers of rivals who supported the creation of Khalistan. On the morning of January 26, 1986, India's Republic Day, my brother-in-law arrived at the newspaper office in Surrey to find a McDonald's bag in front of the office door. Inside, wrapped in a Montreal newspaper, were five sticks of dynamite, a blasting cap, batteries, and a Mickey Mouse clock.

The RCMP explosive disposal unit was called to disarm the bomb. Fortunately, no one was hurt. Years later, a drug trafficker named Jean Gingras from Montreal admitted he had been hired by the Babbar Khalsa, a terrorist group, to leave the bomb there. My dad was not deterred. He continued writing against the Air India bombing suspects in his newspaper.

On August 26, 1988, a 17-year-old arrived at the *Indo-Canadian Times* office, asked for my dad, then shot him four times. The attacker was caught and convicted. The shooter admitted that he had met with Ajaib Singh Bagri of the Babbar Khalsa before the shooting. The gun used to shoot my dad on August 26, 1988, was traced to a California man who had also supplied a gun owned by him to Air India bombing terrorist Inderjit Singh Reyat, which RCMP found in Reyat's home in November 1985.

The same day Ajaib Singh Bagri was charged in the Air India bombing, he was also charged with attempted murder for being behind the 1988 shooting of my father, Tara Singh Hayer. But that charge was later dropped. Further, he was also acquitted of the Air India bombing.

When my father was assassinated on November 18, 1998, the police immediately suspected that it was again linked to those behind the Air India bombing. An exhaustive investigation identified young gangsters as the suspect who had been hired by someone in the Babbar Khalsa terrorist organization. Again, despite the fact that the motive and suspects were identified, no charges were ever laid.

There has been a pattern of failed investigations and terrorist suspects getting away with murder right here in Canada. That in itself inspires others to commit terrorist acts and have the sense that the law is soft in Canada on crime, that the punishment, if any, is nothing to worry about. Ripudaman Malik took the B.C. government to court in a bid to avoid paying back a multi-million-dollar loan for his legal fees for the Air India bombing trial. He claimed he had been found innocent of the Air India bombing crime. The same judge who acquitted him of the Air India bombing trial said in July 2012: "The acquittal of the applicant was just that. It was not a declaration of innocence."

For too long our Canadian Charter of Rights has been used by criminals to get away with murder. When judges hand down the judgments, they must equally consider our Charter of Rights to protect the rights of victims, the rights of victims' families and the rights of all the law-abiding Canadians. When considering disclosure of information, this includes disclosure of evidence, sentencing or punishment given to the criminals or accused or when evidence is disallowed in any case.

The new Victims Bill of Rights is a significant step forward for victims of crime in Canada, but it needs to go even further to strengthen the rights of the victims. We need to make sure that the justice system considers that the rights of victims are at least equal to the rights of the criminal or the accused.

My father was going to be a witness at the Air India bombing trial. He had provided an affidavit of his evidence to the RCMP. He was assassinated so that he could not testify at the trial, and therefore the evidence he had provided to the police was not allowed to be considered at the trial. Under our current justice system, if criminals kill the witness of the Crown, then all the evidence he or she provides is inadmissible in the court. We need to change that. We must change it. If a witness is killed or hurt, then our justice system should allow all the evidence of the witness to be considered in the trial. In effect, this action will take away the incentive for criminals or their associates to kill or hurt witnesses. I have talked about this to many elected officials. They seem to support it, and most of the community in general supports it.

Thank you very much for listening to me and thank you for allowing me to share some of my thoughts.

The Chair: Thank you very much, Mr. Hayer..

Senate Committee on National Security and Defence Hearing (Monday February 16, 2015)

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